

No. 364, 1970

*File*

November 18, 1970

Lee W. Bolte, Esq.  
Attorney at Law  
P. O. Box 127  
Berlin, Maryland 21811

Dear Mr. Bolte:

We are enclosing herewith copy of a motion and Order of this Court signed on November 16, 1970, in the case of Elinor H. Kerpelman v. Board of Public Works of Maryland et al., No. 364, September Term, 1970, which is self-explanatory.

Our records have been noted accordingly.

Very truly yours,

Clerk

JLY/ojr  
Enclosure

cc: Leonard J. Kerpelman, Esq.  
Office of the Attorney General  
Richard M. Pollitt, Esq.  
Raymond D. Coates, Esq.  
Thomas P. Perkins, III, Esq.

Elmer H. Kerpelman  
 vs.  
 Bd of Pub. Wks.,  
 Caine, Inc., and  
 Md Marine Prop. Inc.

- Aug 31 - Order of ct. sustaining demurrers of Bd of Pub Wks and Md Marine Prop. and denying Caine's motion raising preliminary objection.
- Sep 2 - Demurrer of Caine Inc filed
- Sep 22 - Order of ct sustaining demurrer of Caine, Inc., for reasons assigned in opinion and order filed on Aug 31<sup>st</sup>
- Sep 29 - Order for appeal filed "from the final judgment and Order of Court dated Aug 31, 1970."
- Oct 26 - Order for appeal filed "from judgment of the Court dated Sept 22, 1970, in the above entitled case."

Motion to dismiss filed by Caine, Inc., that appeal was filed late as to them.

Jim N

11/10



SANFORD AND BOLTE  
ATTORNEYS-AT-LAW  
BERLIN, MARYLAND 21811

JOHN L. SANFORD, JR.  
LEE W. BOLTE

TELEPHONE 641-0700

**FILED**

OCT 30 1970

October 29, 1970

J. LLOYD YOUNG, CLERK  
COURT OF APPEALS  
OF MARYLAND

Mr. J. Lloyd Young  
Clerk of the Court of Appeals of Maryland  
Court of Appeals  
Annapolis, Maryland

Re: Kerpelman vs. Board of Public Works, et al  
No. 364, September Term 1970

Dear Mr. Young:

I enclose an original and seven copies of Motion to Dismiss Appeal, together with a proposed Order of Court thereon and a mailing certification.

It would be appreciated if you would file the same in the above case.

Very sincerely yours,

Lee W. Bolte

LWB:drc  
Enclosures

IN THE COURT OF APPEALS OF MARYLAND.

OCT 30 1970

Elinor H. Kerpelman, :  
Complainant, :

J. LLOYD YOUNG, CLERK  
COURT OF APPEALS  
OF MARYLAND

vs. :

No. 364

Hon. Marvin Mandel, Governor, :  
et al, :  
Constituting the Board of Public :  
Works of Maryland, :

September Term

James B. Caine, Inc., :  
and :  
Maryland Marine Properties, :  
Inc., :

Defendants. :

MOTION TO DISMISS APPEAL

James B. Caine, Inc., Appellee, by Sanford and Bolte, its Attorneys, moves this Honorable Court, pursuant to Maryland Rule 835, subsection b (3), that this Appeal be dismissed as to said Appellee. The grounds of the Motion are as follows:

1. No Order for Appeal was filed with the Clerk of the Court below within thirty (30) days from the date of the Order appealed from, as prescribed by Maryland Rule 812, the aforesaid Order in favor of the Defendants, having been entered on September 22, 1970, and the Appeal therefrom having been filed on October 26, 1970. The Appeal should therefore be dismissed under Rule 835, subsection b (3).

Appellee further desires that this Motion be set down for oral argument in advance of the argument on the merits. Said Appellee believes that the grounds of the Motion are such that the disposition of this Motion will make argument on the merits unnecessary as to said Appellee.

SANFORD and BOLTE

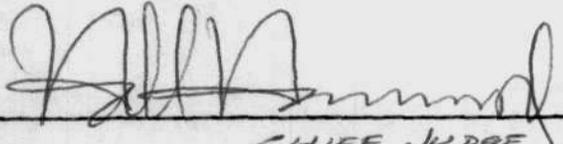
BY   
Lee W. Bolte  
P.O. Box 127  
Berlin, Maryland  
Phone: 641-0700 or 0701  
Attorney for James B. Caine, Inc

ORDER

It is, this 16<sup>th</sup> day of November, A.D. 1970, by the Court of Appeals of Maryland, ORDERED:

1. That the foregoing Motion to Dismiss Appeal of James B. Caine, Inc., one of the Appellees herein, be, and the same is hereby granted.

2. That said Appeal as to said Appellee be, and the same is hereby dismissed.

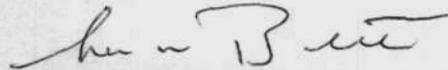
  
CHIEF JUDGE

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Judges

I HEREBY CERTIFY, that on this 25<sup>th</sup> day of October, 1970, an exact duplicate copy of the foregoing Motion to Dismiss Appeal and proposed Order thereon was mailed by regular United States mail, postage prepaid, to the following:

1. Leonard J. Kerpelman, Esquire  
2403 Rogers Building  
Baltimore, Maryland 21209 ✓
2. Honorable Francis B. Burch  
Attorney General  
1200 One Charles Center  
Baltimore, Maryland 21201 ✓
3. Honorable Jon F. Oster  
Assistant Attorney General  
1200 One Charles Center  
Baltimore, Maryland 21201
4. Richard M. Pollitt, Esquire  
110 North Division Street  
Salisbury, Maryland 21801 ✓
5. Raymond D. Coates, Esquire  
4 Broad Street  
Berlin, Maryland 21811 ✓
6. Thomas P. Perkins, III, Esquire  
Venable, Baetjer and Howard  
1800 Mercantile Bank & Trust Building  
2 Hopkins Plaza  
Baltimore, Maryland 21201 ✓
7. Robert A. Shelton, Esquire  
Venable, Baetjer and Howard  
1800 Mercantile Bank & Trust Building  
2 Hopkins Plaza  
Baltimore, Maryland 21201



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Lee W. Bolte

IN THE COURT OF APPEALS OF MARYLAND

**FILED**

NOV 9 1970

J. LLOYD YOUNG, CLERK  
COURT OF APPEALS  
OF MARYLAND

ELINOR H. KERPELMAN :

Complainant :

vs. :

HON. MARVIN MANDEL, Governor, :  
et al, Constituting the Board :  
of Public Works of Maryland, :

No. 364

JAMES B. CAINE, INC. :

September Term

and :

MARYLAND MARINE PROPERTIES, :  
INC. :

Defendants :

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Gentlemen:

Now comes the Appellant, and, pursuant to Rule 828c.2. (although agreement is not strictly impossible, but less practical than this method), and designates the following parts of the record which the Appellant proposes to include in the printed Extract:

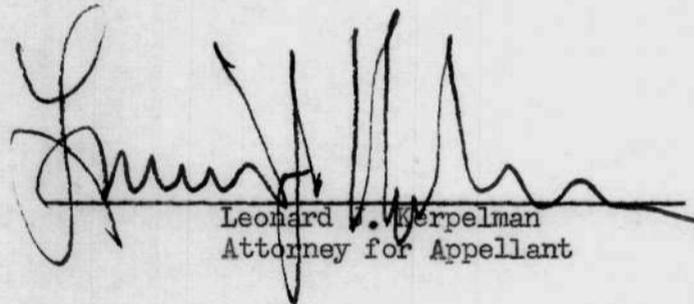
1. Bill of Complaint for a Mandatory Injunction, etc.
2. Demurrer of Defendant Maryland Marine Properties, Inc.
3. Demurrer of Board of Public Works.
4. Motion Raising Preliminary Objection (filed October 21, 1969).
5. Motion for Summary Judgment Upon Some Issues (filed May 11, 1970).
6. Demurrer of Defendant James B. Caine, Inc.
7. Order of Court and Opinion contained therein (filed August 31, 1970).
8. Docket Entries.
9. The Appellant reserves the right to print further material, which

may have been overlooked.

Leonard J. Kerpelman  
Attorney for Appellant

No 364-1970T

I HEREBY CERTIFY that a copy of the foregoing was mailed this 4th day of November, 1970, to Lee W. Bolte, Esq., P. O. Box 127, Berlin, Maryland; Hon. Francis B. Burch, Attorney General, 1200 One Charles Center, Baltimore, Maryland, 21201; Hon. Jon F. Oster, Assistant Attorney General, 1200 One Charles Center, Baltimore, Maryland 21201; Richard M. Pollitt, Esq., 110 N. Division Street, Salisbury, Maryland 21801; Raymond D. Coates, Esq., 4 Broad Street, Berlin, Maryland 21811; Thomas P. Perkins, III, Esq., 1800 Mercantile Bank and Trust Bldg, 2 Hopkins Plaza, Baltimore, Maryland, 21201; and to Robert A. Shelton, Esq., 1800 Mercantile Bank and Trust Bldg., 2 Hopkins Plaza, Baltimore, Maryland 21201.



Leonard M. Kerpelman  
Attorney for Appellant